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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/965,993 | 09/28/2001 | Glenn S. Daehn | OSU1159-154A | 4849 |

8698 7590 08/15/2003
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EXAMINER

WATSON, ROBERT C

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/15/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,993

Applicant(s)

DAEHN, GLENN S.

Examiner

Robert C. Watson

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 46-72 and 88-91 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 9, 11, 14, 48-50, 53, 55-72 and 88-91 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 12, 13, 15-21, 46, 47, 51, 52 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 7. 6) ☐ Other: _____

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Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The "secondary component" of claim 21 is not understood and no proper antecedent basis is found in the descriptive portion of the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 12-13, 16-19, 46-47, 51-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Blacket et al.

Blacket et al shows a panel clinching apparatus for firing a projectile (rivet 10) into one or more sheets of material wherein the projectile forces at least a portion of the one or more sheets of material into a cavity. Element 14 is a die having a cavity, 12,13 are one or more sheets, 20 is a projectile firing device, 10 is a projectile, and 19 is a clamping head which is also an enclosure. In Blacket et al column 5, line 6 the projectile may be metal or plastic.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al in view of Temple.

In Blacket et al the projectile is fired by firing pin 20,21 by means of a hydraulic ram.

Temple teaches that a firing pin may be fired by means of an explosive charge.

To fire the firing pin 20,21 of Blacket et al by means of an explosive charge would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Temple. One of ordinary skill in the art would have been motivated to do this in order to provide a tool that is strong yet relatively light.

Claims 15 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al in view of Stead.

Blacket et al utilizes a mechanical means for clamping the one or more sheet materials.

Stead teaches that magnetic means may be utilized for clamping material(s).

To clamp the one or more sheet materials by means of magnetic means would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Stead. One of ordinary skill in the art would have been motivated to do this in order to provide efficient use and operation for clamping the one or more sheets together.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al.

Blacket et al does not specify what the velocity of the projectile is fired at.

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However, it would have been obvious for one skilled in the art to select a velocity that would accomplish the desired joining taking into account the materials used for the sheets and the projectile and sheet thickness.

Claims 5-7, 9, 11, 14, 48-50, 53, 55-72, and 88-91 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species/invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Nos 5, 8, 10, and 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3579 for regular communications and 703 305-9835 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.

rcw
August 13, 2003


ROBERT C. WATSON
PRIMARY EXAMINER